

IN THE COURT OF APPEALS OF TENNESSEE  
AT KNOXVILLE

Assigned on Briefs December 6, 2006

**RICHARD COBURN MERCER v. MARILYN LUCRETIA HADLEY**

Appeal from the Circuit Court for Hamilton County  
No. 98D2167 Samuel H. Payne, Judge

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No. E2006-00900-COA-R3-CV - FILED AUGUST 16, 2007

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**OPINION AND ORDER ON PETITION FOR REHEARING**

The appellant, pro se, has filed a “Motion to Amend Judgment to Include Interest” which we construe as a petition for rehearing pursuant to Tenn. R. App. P. 39. She seeks an award of interest on the arrearage found by us in our opinion entered June 20, 2007. She relies upon Tenn. R. App. P. 41, which provides, in part, as follows:

If a judgment is modified or reversed with a direction that a judgment for money be entered in the trial court, the mandate shall contain instructions with respect to allowance of interest.

We find merit in the appellant’s motion.

A judgment for alimony is like any other judgment. *Graves v. Graves*, No. E2004-02141-COA-R3-CV, 2005 WL 1412109, at \*3 (Tenn. Ct. App. E.S., filed June 16, 2005). Such a judgment accrues post-judgment interest at the rate of 10% from and after the due date<sup>1</sup> of a given alimony payment. *Id.* A court has no authority “to deny an award of post-judgment interest on unpaid alimony.” *Id.* Post-judgment interest in Tennessee is simple interest. *Pertew v. Pertew*, No. 03A01-9711-CH-00505, 1999 WL 486917, at \*9-11 (Tenn. Ct. App. E.S., filed July 13, 1999); *Berryhill v. Rhodes*, No. W2001-00748-COA-R3-JV, 2002 WL 927442, at \*5 (Tenn. Ct. App. W.S., filed May 2, 2002).

On remand, the trial court is directed to determine the due dates of the various alimony payments that make up the arrearage of \$7,975. The appellant is entitled to post-judgment, simple interest with respect to each of these several payments from and after their respective due dates.

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<sup>1</sup>The due date of a given alimony payment is the critical date rather than the date of the judgment decreeing the alimony obligation.

IT IS SO ORDERED.

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CHARLES D. SUSANO, JR., JUDGE

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D. MICHAEL SWINEY, JUDGE

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SHARON G. LEE, JUDGE